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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,232	07/18/2006	Stephan Schaade	2003P19290WOUS	2972

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SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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06/17/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,232	<b>Applicant(s)</b> SCHAADE ET AL.	
	<b>Examiner</b> Quoc D. Tran	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Amendment***

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duffy et al (WO 01/06740 A2) in view of Schoeneberger et al (7,012,888).

Consider claims 18 and 28-29, Duffy et al teach an adapter unit operatively connected to an Internet Protocol (IP) phone (see page 1 line 20-25), comprising: a channel send-receive unit that sends data to an exchange of a circuit-switched telecommunications network and receives signaling data from the exchange; a data packet send-receive unit that sends data packets via a data packet transfer network towards a first telecommunication system and receives data packets from the first telecommunication system via the data packet transfer network, the data packets sent and received during a normal operating mode (see page 3 lines 1-18; Fig. 1); a data insertion-extraction unit that inserts the data received by the channel send-receive unit into a data packet and forwards the packet to the data packet send unit and that extracts data from a data packet received by the data packet receive unit and forwards the extracted data to the channel send unit, the data inserted and extracted during the normal operating mode (see page 10 lines 1-6); and an operating mode switchover unit that switches over from the normal operating mode to an emergency operating mode if a fault occurs on the side of the data packet transfer network,

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wherein the emergency operating mode ensures telecommunication via the circuit-switched telecommunications network (see page 3 lines 12-18), and wherein the data is not processed by the adapter during the normal operating mode (see Fig. 8A and 8B; *i.e., during normal operation, both IP phones connected directly through the IP network. Thus the telephone cards within the gateway(s) are not needed to be utilized unless the call is switched over from IP network to the PSTN.*

Duffy et al discussed **general call set up communications between communication elements** (see pages 12-20; “call setup” (*i.e., “signaling messages”*)). Duffy et al did not clearly disclose of the “*communications of the signaling data or messages*” between network elements (*i.e., the operation behind the network hardware elements*) as alleged by applicant (see arguments/comments). However, Schoeneberger et al utilized signaling data messages between network endpoints for call restoration during network failure (col. 1 line 60 – col. 2 line 9, lines 31-56).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Schoeneberger et al into view of Duffy et al in order to maintain call connection in event of network failures.

Consider claim 19, Duffy et al teach the adapter unit further comprising a protocol conversion unit that converts the signal data between a circuit-switched protocol and a data-packet protocol, the conversion performed during the emergency mode (see page 10 lines 1-6).

Consider claim 20, Duffy et al teach the adapter unit further comprising a network access unit that performs network access functions for a plurality of terminals of a data packet transfer network during the emergency mode, the functions selected from the group consisting of a

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gatekeeper function in accordance with a protocol of the H.323 protocol family, a SIP registrar function in accordance with a SIP protocol, and SIP registrar function in accordance with a protocol based on the SIP protocol (see page 22 line 4 – page 24 line 4).

Consider claim 21, Duffy et al teach wherein the plurality of terminals are IP phones including the first IP phone, wherein the number of terminals is less than 16, and wherein during the emergency mode the signaling messages are not sent via the data packet transfer network (see page 3 lines 12-18; Fig. 6-15).

Consider claim 22, Duffy et al teach wherein at least one of the terminals is adapted to detect the fault and change to an IP address of the adapter unit or of the first IP phone (see page 21 lines 3-28).

Consider claim 23, Duffy et al teach the adapter unit further comprising a terminal unit that performs a peer-to-peer connection function during the emergency operating mode (page 3 lines 1-7).

Consider claim 24, as discussed above, Duffy et al teach wherein the data packets are transferred in accordance with an Internet protocol in the data packet transfer network, wherein the circuit-switched telecommunications network is a fixed network or a mobile radio network, wherein the signaling data is adapted in accordance with a signaling protocol for exchange lines between an exchange and a terminal or between the exchange and the first telecommunication system, and wherein the signaling protocol is DSS1 or based on DSS1 (page 10 lines 1-6).

Consider claim 25, Duffy et al teach wherein the fault occurs at the first telecommunication system (see page 21 lines 3-28).

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Consider claim 26, as discussed above, Duffy et al teach wherein during the emergency operating mode: the operating mode switchover unit forwards the signaling data to a second telecommunication system that is different than the first telecommunication system used in the normal operating mode, and signaling data received from the second telecommunication system is sent to the exchange via the channel send unit (see page 22 line 1 – page 23 line 4).

Consider claim 27, Duffy et al teach wherein during the emergency operating mode: the operating mode switchover forwards the signaling data to a subscriber terminal, and the signaling data received from the subscriber terminal is sent to the exchange via the channel send unit (see page 22 line 1 – page 23 line 4).

Consider claims 30 and 38, Duffy et al teach the claimed features (see claims 18 and 28 above) except for detecting a reactivation of the data packet transfer network or of the first telecommunication system, and automatically switching over into an normal operating mode after the detection of the reactivation. However, the examiner take an office notice that it is notoriously well known to switched back to normal operating mode after reactivate or restored. Therefore, it would have been obvious to one of the ordinary skill at the time the invention was made to recognize that it is common sense the system must be place any emergency service back into normal operating mode after repair or restored or corrected.

Consider claim 31, Duffy et al teach wherein the emergency operating mode further comprises: forwarding the signaling data from a channel receive unit of an adapter to a second telecommunication system, the second telecommunication system having performance features more restrictive than the first telecommunication system used in the normal operating mode, forwarding signaling data from the second telecommunication system to the channel send unit,

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and wherein the functions of the telecommunication system performed by a first IP telephone (see page 22 line 1 – page 23 line 4).

Consider claim 32, Duffy et al teach the method further comprising: detecting the failure and reactivation by a second IP telephone; and registering the second IP telephone at the second telecommunication system, wherein retaining the interface protocol in comparison with the normal operating mode is retained (see page 21 lines 3-28).

Consider claim 33, Duffy et al teach wherein the emergency operating mode further comprises: forwarding the signaling data received by the channel receive unit to an IP telephone, and forwarding signaling data sent by the IP telephone to the channel send unit, wherein the IP telephone performs functions of a telephone which is operated directly at the circuit-switched telecommunications network (see page 22 line 1 – page 23 line 4).

Consider claim 34, Duffy et al teach wherein the emergency operating mode further comprises: an IP telephone (80), which in the emergency operating mode performs functions of a telephone which is operated directly at the circuit-switched telecommunications network (20, 22), detecting the failure or the reactivation (see page 22 line 1 – page 23 line 4).

Consider claim 35, Duffy et al teach wherein the emergency operating mode further comprises: performing a protocol conversion of the signaling data into a signaling protocol for a data packet transfer network, transferring the converted signaling data to an IP telephone, receiving signaling data in accordance with a signaling protocol for a data packet transfer network from an IP telephone, and performing a protocol conversion for the received signaling data in accordance with a protocol for the signaling in the circuit-switched telecommunications network (see page 10 lines 1-6).

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Consider claim 36 and 39, Duffy et al teach wherein the emergency operating mode further comprises: detecting the failure or the reactivation by an adapter, and registering at least one IP telephone with the adapter unit or setting up a peer-to-peer connection between the adapter unit and the at least one IP telephone (page 3 lines 1-7).

Consider claim 37, Duffy et al teach wherein the signaling protocol for the data packet transfer network is a protocol of the H.323 protocol family or a SIP protocol or a peer-to-peer protocol (page 3 lines 1-7).

Consider claim 40, Duffy et al teach wherein the adapter is operatively connected less than 16 IP telephones (see page 3 lines 12-18; Fig. 6-15).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 18-40 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

**(571) 273-8300**

Hand-delivered responses should be brought to:

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on Monday-Friday from 8:00 to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quoc D Tran/  
Primary Examiner, Art Unit 2614  
June 12, 2009